

Board of Zoning Appeals
Town Hall, October 11, 2005, 7:00 p.m.

Members present were Chair Bob Haines, Larry Felts, Larry Gardner and Charles Lawson. Pat Aldred was absent. Staff present was Recorder Cindy Lancaster, Engineer Rich Woodroof, Building Inspector Michael Blanks and Counsel Robert Notestine. Applicant Brent Hopper with Newmark Homes and 6 citizens.

Chair Haines opened the meeting at 7:02 p.m.

Chair Haines led the Pledge of Allegiance.

Commissioner Gardner made a motion to approve the minutes of September 13, 2005, Commissioner Lawson seconded. The minutes were approved unanimously.

Chair Haines briefly went over the procedures of the meeting. Noting that staff would proceed initially and the public would have input.

There were no comments from the audience.

Application for variance for Lot 204, Bent Creek.

Engineer Woodroof noted that the applicants were requesting a variance from the zoning ordinance sections 1.3.2, General Terms. He noted that this is a request for a deck to be built outside the building envelope. Mr. Woodroof's recommendation is to allow the applicant to build an 8 X 10 deck.

Mr. Brent Hopper, Newmark, stated that he is requesting three different variances due to special circumstances with the future occupants of the home.

Board member Felts stated that there may have been a hardship, but he was in hopes that this issue has been rectified after the last Board of Zoning Appeals meeting on September 13.

Mr. Hopper stated that these are the only three requests for this issue that will be before this board.

Chair Haines stated that he has a problem with granting these variances. He noted that he had checked with other municipalities and Brentwood does not allow building outside the envelope.

Board member Gardner made a motion to approve this variance based on Section 9.2.4. D, harm to public welfare. Additionally, there is to be no roof built on the deck, although a retractable awning could be installed; Board member Lawson seconded this motion. This variance was granted unanimously.

Application for variance for Lot 205, Bent Creek.

Engineer Woodroof noted that the applicants were requesting a variance from the zoning ordinance sections 1.3.2, General Terms. He noted that this is a request for a deck to be built outside the building envelope. Mr. Woodroof's recommendation is to allow the applicant to build an 8 X 10 deck.

Counsel Notestine noted that each application has referred to a common area that is in the rear of these lots. He further stated that this is not relevant to this variance.

Board member Gardner made a motion to approve this variance based on Section 9.2.4. D, harm to public welfare. Additionally, there is to be no roof built on the deck, although a retractable awning could be installed; Board member Felts seconded this motion. This variance was granted unanimously.

Application for variance for Lot 224, Bent Creek.

Engineer Woodroof noted that the applicants were requesting a variance from the zoning ordinance sections 1.3.2, General Terms. He noted that this is a request for a deck to be built outside the building envelope. Mr. Woodroof's recommendation is to allow the applicant to build an 8 X 10 deck.

Board member Lawson made a motion to approve this variance based on Section 9.2.4. D, harm to public welfare. Additionally, there is to be no roof built on the deck, although a retractable awning could be installed; Board member Gardner seconded this motion. This variance was granted unanimously.

Mr. Hopper thanked the board for considering these issues. Mr. Ray Kash, representative of Newmark, asked if a patio could be constructed at the end of the steps. Board member Gardner stated that a 3 X 3 pad could be built, but no larger.

The meeting adjourned at 7:18.

Respectfully submitted,

Cindy Lancaster
Town Recorder